



February 1, 2005

HOUSE BILL No. 1125

DIGEST OF HB 1125 (Updated January 26, 2005 1:18 pm - DI 107)

Citations Affected: IC 12-14.

Synopsis: Eligibility for public assistance. Provides that an individual convicted of a felony involving a controlled substance who has completed or is participating in a substance abuse treatment program certified by the division of mental health and addiction or operated by the federal government may receive assistance under the federal Temporary Assistance for Needy Families (TANF) program.

Effective: July 1, 2005.

Foley, Smith V

January 6, 2005, read first time and referred to Committee on Family, Children and Human Affairs.

January 31, 2005, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to House Rule 127.

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HB 1125—LS 6709/DI 110+



February 1, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1125

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-14-1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Assistance under
3 AFDC shall be given to a dependent child who otherwise qualifies for
4 assistance if the child is living in a family home of a person who is:
5 (1) at least eighteen (18) years of age; and
6 (2) the child's relative, including:
7 (A) the child's mother, father, stepmother, stepfather,
8 grandmother, or grandfather; or
9 (B) a relative not listed in clause (A) who has custody of the
10 child under a court order.
11 (b) A parent or relative and a dependent child of the parent or
12 relative are not eligible for AFDC assistance when the physical custody
13 of the dependent child was obtained for the purpose of establishing
14 AFDC eligibility.
15 (c) A person convicted of an offense under IC 35-43-5-7 ~~or~~
16 ~~IC 35-48-4~~ is not eligible to receive assistance under AFDC for the
17 following periods:

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(1) If the conviction is for a misdemeanor, the person is not eligible to receive assistance under AFDC for one (1) year after the conviction.

(2) If the conviction is for a felony, the person is not eligible to receive assistance under AFDC for ten (10) years after the conviction.

(d) The assistance paid to a dependent child under this section may not be affected by the conviction of a parent or an essential person of the dependent child under subsection (c).

SECTION 2. IC 12-14-28-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. (a) An individual who:**

(1) is otherwise eligible to receive assistance under this chapter;

(2) is convicted of an offense under federal or state law that:

(A) is classified as a felony; and

(B) has as an element the possession, use, or distribution of a controlled substance (as defined in 21 U.S.C. 802(6)); and

(3) either:

(A) has completed; or

(B) is participating in;

substance abuse treatment provided by an addiction services provider certified by the division of mental health and addiction under IC 12-23 or by an addiction treatment services program operated by the federal government; is eligible to receive assistance under this chapter.

(b) A court may order an individual to participate in substance abuse treatment under this section.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1125, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 12, after "3.5." insert **"(a)"**.

Page 2, line 19, delete "has completed or is participating in a substance abuse" and insert **"either:**

(A) has completed; or

(B) is participating in;

substance abuse treatment provided by an addiction services provider certified by the division of mental health and addiction under IC 12-23 or by an addiction treatment services program operated by the federal government;".

Page 2, delete line 20.

Page 2, after line 21, begin a new paragraph and insert:

"(b) A court may order an individual to participate in substance abuse treatment under this section."

and when so amended that said bill do pass.

(Reference is to HB 1125 as introduced.)

BUDAK, Chair

Committee Vote: yeas 8, nays 4.

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